

CHAPTER 119. METROPOLITAN DISTRICTS

THE METROPOLITAN DISTRICT ACT

Act 312 of 1929

AN ACT to provide for the incorporation by any 2 or more cities, villages, or townships, or any combination or parts thereof, of a metropolitan district comprising territory within their limits for the purpose of acquiring, owning, and operating parks or public utilities for supplying sewage disposal, drainage, water, or transportation, or any combination thereof; to provide that a district may sell or purchase sewage disposal, drainage rights, water, or transportation facilities; to provide that a district may acquire and succeed to the rights, obligations, and property of such cities, villages, and townships respecting or connected with such functions or public utilities but subject to the approval of a majority of the electors voting thereon; to limit the rate of taxation of a district for its municipal purposes and restrict its powers of borrowing money and contracting debts; to provide the method and vote by which charters may be framed, adopted, and amended and laws and ordinances relating to its municipal concerns may be enacted; to define the powers, rights, and liabilities of a district; to provide for the dissolution of a district; and to prescribe penalties and provide remedies.

History: 1929, Act 312, Eff. Aug. 28, 1929;—Am. 1989, Act 98, Imd. Eff. June 21, 1989;—Am. 1998, Act 171, Eff. Mar. 23, 1999.

The People of the State of Michigan enact:

119.1 Metropolitan districts; purposes; body corporate.

Sec. 1. Any 2 or more cities, villages or townships or any combination or parts thereof, may incorporate into a metropolitan district or districts comprising territory within their respective limits for the purpose of acquiring, owning, operating and maintaining either within or without their limits, as may be established hereunder, parks or public utilities for supplying sewage disposal, drainage, water or transportation or any combination thereof. Each organized district hereunder shall be a body corporate.

History: 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2275;—CL 1948, 119.1.

119.1a Metropolitan districts; short title.

Sec. 1a. This act shall be known and may be cited as “The metropolitan district act.”

History: Add. 1945, Act 50, Eff. Sept. 6, 1945;—CL 1948, 119.1a.

119.2 Metropolitan district; powers; referendum.

Sec. 2. Any district incorporated under this act shall have the power to acquire, own, operate and maintain within or without its limits, parks or public utilities for supplying sewage disposal, drainage, water or transportation or any combination thereof or such of said powers as may be designated in its charter. Any such district may sell or purchase, either within or without its limits, sewage disposal or drainage rights, water or transportation facilities or any combination thereof if so provided by its charter. Any such district shall have the power to acquire and succeed to any or all of the rights, obligations and property of any city, village or township, or any parts thereof, comprising territory within the limits of the district, respecting, affiliated or connected with such functions or public utilities, or any combination thereof: Provided, That no city, village or township shall surrender any such rights, obligations or property without the approval thereof by a majority vote of the electors of any such city, village or township voting on such proposition.

History: 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2276;—CL 1948, 119.2.

119.3 Officers; records; taxes; sinking fund; subjects of taxation; mandatory charter provisions.

Sec. 3. Any district incorporated under the provisions of this act shall in its charter provide:

(a) For the nomination, election or appointment of all district officers. Nominations and elections may be made in any manner not inconsistent with law and as the charter of any district may prescribe.

(b) For the qualifications, duties and compensation of its officers; for the time, manner and means of holding elections and the registration of electors; for the keeping in the English language a written or printed journal of every session of the legislative body, which records shall be public; for publication of ordinances before they become effective; for adopting, continuing, amending or repealing of ordinances; for a system of accounts which shall conform to any uniform system required by law; for the levy, collection and return of taxes for district purposes and for the annual appropriation of money for district purposes: Provided, All taxes and appropriations shall be levied, collected and returned through the proper assessing and taxation officer or

officers of each city, village or township or parts of same comprising said metropolitan district in the same manner as near as may be that other city, village or township taxes are levied, collected and returned. The district legislative body or other officer or officers charged with such duty shall ascertain the total taxes or appropriation required for any year and shall thereupon certify to the proper assessing officer or officers of the city, village or township or parts of same comprising said district its proportionate share thereof based upon the ratio that the total assessed valuation of each respective city, village or township, or parts of same, bears to the total assessed value of all property real and personal in said entire district according to the last assessment in each of said respective units. Such sum so certified shall be a direct obligation of each city, village or township or part of same and shall be paid to the metropolitan district on or before the next tax payment period. Said sum shall be levied, collected and returned by each city, village or township in the same manner as other general taxes.

(c) For a sinking fund as provided by any general law applicable to cities.

(d) That the subjects of taxation for district purposes shall be the same as for state, county and school purposes under the general law: Provided, however, That the provisions of this section as to taxes and the levy, collection and return thereof shall not apply to or be required in the charter of any metropolitan district incorporated for the purpose of the purchase, acquisition or construction of any project or projects, or improving, enlarging, extending or repairing thereof, authorized under the provisions of Act No. 94 of the Public Acts of 1933, as amended, but said charter shall contain provisions relative to the issuance of revenue bonds as in said act provided.

History: 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2277;—Am. 1935, Act 56, Imd. Eff. May 13, 1935;—CL 1948, 119.3.

Compiler's note: For provisions of Act 94 of 1933, referred to in subdivision (d), see MCL 141.101 et seq.

119.4 Permissive charter provisions.

Sec. 4. Each district incorporated under the provisions of this act may provide in its charter for 1 or more of the following:

(a) For annually levying and collecting taxes in a sum not to exceed 1/2 of 1% of the assessed value of all real and personal property in the district.

(b) For borrowing money on the credit of the district in a sum not to exceed 2% of the assessed value of all real and personal property in the district for the purpose of acquiring, owning, purchasing, constructing, maintaining, or operating parks or public utilities, for supplying sewage disposal, drainage, water, or transportation, or any combination of these. A district may borrow money and issue bonds for any of the purposes described in this subdivision that will impose no liability upon the district but may be paid and secured only by special assessment levied against each parcel for the particular public improvement and for the payment of the bonds that are issued. A district incorporated under the provisions of this act, may, for the purpose of acquiring, owning, purchasing, constructing, or operating any public utility described in this subdivision, issue mortgage bonds that may be issued beyond the general limit of bonded indebtedness prescribed by this act. A mortgage bond issued beyond the general limits of bonded indebtedness shall not impose any liability upon the district but shall be secured only upon the property and revenues of the public utility, including the franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the public utility, which franchise shall in no case extend for a longer period than 20 years from the date of the sale of the utility and franchise on foreclosure. A mortgage bond shall be sold for not less than par, bear interest at a rate not in excess of 6%, and the total amount shall not exceed 60% of the original cost of the utility. The charter of any district shall provide for the creation of a sinking fund by setting aside a percentage of the gross or net earnings of the public utility as may be deemed sufficient for the payment of the mortgage bonds at maturity.

(c) For a lien on any property and for taxes for the payment of any bonds issued or for the cost and expense of making any improvement described in this section.

(d) For laying and collecting rents, tolls and excises.

(e) For a special assessment district to provide for the cost and expense of any park or public utility, or combination of a park and public utility, as provided in this section.

(f) For the purchase or condemnation of the franchises, if any exist, and of the property used in the operation of companies or individuals engaged in or operating public utilities for supplying sewage disposal, drainage, water, or transportation, or any combination of these. Each district may in its charter provide that it may make a contract upon the terms, including terms of present or deferred payment and upon the conditions and in the manner as the district may consider proper, to purchase, operate, and maintain any existing public utility property for supplying sewage disposal, drainage, water, or transportation, or any combination of these within or without its limits. If without its limits, the purchase must be incidental to the operation and maintenance of the public utility. A contract shall not bind the district unless the proposition on the contract

shall receive the affirmative vote of 3/5 of the electors voting on the proposition at a regular or special election. In the event of any such purchase, the charter amendment and the contract to purchase shall provide for the creation of a sinking fund, into which shall be paid from time to time, from the earnings of the utility, sums sufficient to insure the payment of the purchase price and the performance of the obligations of the contract to the end that the entire cost of the public utility shall eventually be paid from its earnings. The powers in this subdivision are in addition to the other powers provided for in this act, and the exercise of these powers shall not impair or affect the right to exercise any other powers.

(g) For the purchase, gift, or condemnation of private property for any public use or purpose provided for and within the scope of its power. If by condemnation, the provisions of 1911 PA 149, MCL 213.21 to 213.25, or other appropriate provisions may be adopted and used for the purpose of instituting and prosecuting condemnation proceedings.

(h) For the initiative and referendum on all matters within the scope of its powers and for the recall of all its officials.

(i) For altering, amending, or repealing any charter affecting the district.

(j) For the enforcement of all local, police, sanitary, and other regulations as are not in conflict with the general laws of this state.

(k) For a system of civil service.

(l) For the exercise of all district powers in the management and control of district property and in the administration of metropolitan district government, whether the powers are expressly enumerated or not. For any act to advance the interest of the district and the good government and prosperity of the district and to pass all laws and ordinances relating to its concerns subject to the constitution and general laws of this state. The power to acquire a rapid transit system is expressly conferred by this act, which may consist of a tunnel, subway, surface, or elevated system, or any combination of these. A rapid transit system shall be considered to be transportation within the meaning of this act and the provisions relating to other public utilities shall also apply.

(m) A revenue bond issued under this act is subject to the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140. All bonds issued under this act, other than revenue bonds, are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2278;—CL 1948, 119.4;—Am. 2002, Act 410, Imd. Eff. June 3, 2002.

Compiler's note: For provisions of Act 149 of 1911, referred to in subdivision (g), see MCL 213.21 et seq.

119.5 Powers; restrictions.

Sec. 5. A district shall not do any of the following:

(a) Change the salary or emoluments of any public official after his or her election or appointment or during his or her term of office. The term of any public official shall not be shortened or extended beyond the period for which he or she was elected or appointed, unless he or she resigns or is removed for cause if the office is held for a fixed term.

(b) Adopt a charter or any amendment to a charter unless approved by a majority of the electors of each city, village, or township, voting on the charter or amendment.

(c) Sell any public utility unless approved by a majority vote of the electors of each city, village, or township voting on the proposition.

(d) Make any contract with, or give any official position to, anyone who is in default to the district or city, village, or township comprising the district.

(e) To repudiate any debt by any change in its charter or by consolidation with any other municipality.

History: 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2279;—CL 1948, 119.5;—Am. 2002, Act 410, Imd. Eff. June 3, 2002.

119.6 Incorporation; procedure; charter commission to prepare budget.

Sec. 6. Proceedings for the incorporation of metropolitan districts shall be originated as follows: Any city, village or township may, by a resolution adopted by its legislative body, have prepared a description in general terms of the district proposed to be included in a metropolitan district. Each city, village or township desiring to become a part of said district shall thereupon by appropriate resolution of its legislative body indicate its desire to become a part of same. If a part of a city, village or township shall desire to institute said proceedings or become a part of any proposed district like resolutions may be passed by the legislative body of such city, village or township upon petition to its legislative body signed by not less than 5 per cent of the registered voters in said part of a city, village or township. In said resolution or any subsequent resolution the legislative body of each city, village or township shall designate a person as its representative on a charter commission: Provided, Any city now or hereafter having a population of 50,000 or more inhabitants as determined by the last federal decennial census or by any federal decennial census hereafter taken shall for the

first 200,000 population be entitled to an additional charter commissioner for each additional 50,000 population or major fraction thereof, and for all population above 200,000, an additional commissioner for each additional 100,000 population or major fraction thereof. Said commission shall thereupon meet upon written call of any of its members at a time and place to be designated in said notice and elect a president, a vice-president, a secretary and a treasurer and such other officers as it shall deem necessary. The commission shall thereupon prepare a budget of the expenses to be incurred therewith and shall apportion same to each city, village or township upon the basis that the total assessed valuation each city, village or township bears to the whole assessment of said area. Each city, village or township shall pay its representative or representatives the sum of \$5.00 per day for each day of actual attendance at meetings of said commission: Provided, The total sum so paid each commissioner shall not exceed the sum of \$500.00. The legislative body of any city, village or township may from time to time fill any vacancy existing in its representation on said commission. The members of said commission shall take the constitutional oath of office before the county clerk. A majority shall constitute a quorum for the transaction of all business. The legislative body of any city, village or township may, by resolution, express its desire to be included in said district at any time after the organization of the commission and the commission is authorized to take such action thereon as in its judgment is deemed advisable.

History: 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2280;—Am. 1945, Act 50, Eff. Sept. 6, 1945;—CL 1948, 119.6.

119.7 Charter commission; powers, duties; election.

Sec. 7. The charter commission shall proceed to adopt a name for said district and frame a charter for said district as soon thereafter as practicable. It shall determine the rules of its proceedings and keep a journal. A roll call of its members on any question shall be entered on the journal at the request of any member. It shall provide the manner of nominating the candidates for the first elective officers, if any, provided in the proposed charter. It shall fix the date of the first district election and do and provide all other things necessary for making such nominations and holding such elections. Such election may be held on the same date as a general, special or primary election. It shall publish such proposed charter in 1 or more newspapers published in said district at least once and not less than 2 weeks and not more than 4 weeks preceding said election, together with a notice of said election, and that on the date fixed therefor the question of adopting such proposed charter will be voted on, and that the elective officers provided for therein will be elected on the same date. Notice of such election shall also be posted in at least 10 public places within each city, village or township in said proposed district not less than 10 days prior to such election. Said commission shall provide for polling places for said election and all other election requirements through the regularly constituted officers for conducting elections in each city, village and township who shall appoint the inspectors of said election and the canvassing board of 3 electors to canvass the votes at such election and shall conduct said elections as near as may be in the manner of any regular election. Said commission shall have authority to study the area proposed to be included in said metropolitan district and submit recommendations to the legislative bodies of any city, village or township to amend its original resolution in regards to same. Said charter shall state with certainty the territory proposed to be included.

History: 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2281;—CL 1948, 119.7.

119.8 Charter rejection; unfavorable vote, charter provision; resubmission proceedings.

Sec. 8. If the proposed charter be rejected at such election, any election of officers therein provided shall be void. Said commission shall reconvene upon a call of its president or the written request of a majority of its members and the proposed charter amended in such manner as may be deemed desirable. Any proposed charter may contain a provision that in the event of an unfavorable vote by any city, village or township or part of such a political subdivision, that said charter shall be deemed effective as to all other cities, villages or townships or parts of such political subdivision voting favorably thereon and that any officers elected at said election shall be valid. In the absence of such a provision in the charter and in the event that a city, village or township or part of same included has voted unfavorably on a proposed charter said city, village or township may be dropped from said proposed metropolitan district by the charter commission and the proposed boundaries corrected accordingly. Said proposed charter as amended may be then resubmitted to the qualified electors of the city, village and township or parts of same a second time in the same manner and with like notice and proceedings as required in the first instance, which proceedings in case of the rejection of said proposed charter may be continued a third time with like powers. In the event of a third rejection of same the powers and duties of the charter commission shall be at an end.

History: 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2282;—CL 1948, 119.8.

119.9 Amendment of charter; manner; form.

Sec. 9. Except as provided in section 9a, a metropolitan district charter passed pursuant to this act may be amended in the manner following: An amendment may be proposed by the legislative body of the district on a 3/5 vote of the members or by an initiatory petition as provided in this act, and if the amendment is proposed by the legislative body of the district then the amendment shall be submitted to the electors of the city, village, or township comprising the district as provided in this act at the next primary, regular, or special election held in the city, village, or township which shall occur not less than 30 days after the proposal of the amendment, and if the amendment is proposed by the initiatory petition as provided in this act, then the amendment shall be submitted to the electors of the city, village, or township as provided in this act at the next primary, regular, or special election held in the district which shall occur not less than 40 days after the filing of the petitions. The form in which the proposed amendment to a district charter shall be submitted on the ballot unless provided for in the initiatory petition shall be determined by resolution by the legislative body, and when provided for by the initiatory petition, the legislative body may add that explanatory matter as it considers advisable.

History: 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2283;—CL 1948, 119.9;—Am. 1979, Act 134, Imd. Eff. Oct. 31, 1979.

119.9a Amendment to enlarge boundaries of metropolitan district; signing and filing petition; resolution; election; amendment of charter.

Sec. 9a. An amendment to enlarge the boundaries of a metropolitan district may be initiated by a petition signed by 5% of the registered voters residing in the area sought to be added to the district. The petition shall be filed with the clerk and the legislative body of the city, village, or township in which the proposed added area is located, which legislative body may pass a resolution requesting the metropolitan district legislative body to hold an election on an amendment to its charter to include the proposed added area within its boundaries. Upon filing the resolution with the district's clerk, if the legislative body of the district approves the resolution by a 3/5 vote, an election shall be held in the proposed added area and the district to vote on the proposed charter amendment as provided in section 9. If the district and the proposed added area each approves the proposed amendment by a majority vote of those voting in the election, the metropolitan district's charter shall be amended accordingly.

History: Add. 1979, Act 134, Imd. Eff. Oct. 31, 1979.

119.9b Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 9b. A petition under section 9a or 13, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 1998, Act 171, Eff. Mar. 23, 1999.

119.10 Charter amendment; submission to governor; procedures after submittal.

Sec. 10. Every amendment to a district charter before its submission to the electors and every charter before final adjournment of the commission, shall be transmitted to the governor of the state. If he shall approve it, he shall sign it; if not, he shall return the charter to the commission and the amendment to the legislative body of the district with his objection thereto, which shall be spread at large on the journal of the body receiving them, and if it be an amendment proposed by the legislative body, such body shall reconsider it and if 2/3 of the members agree to pass it, it shall be submitted to the electors. If it be an amendment proposed by an initiatory petition it shall be submitted to the electors notwithstanding such objections.

History: 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2284;—CL 1948, 119.10.

119.11 Charter or amendment; publication; independent propositions, authorizing vote.

Sec. 11. Every district charter or amendment thereto shall be published as the commission or legislative body respectively may prescribe. There may be submitted with any charter or amendment independent sections or propositions and such of them as receive a 3/5 vote of the electors of each city, village or township voting thereon shall become a part of such charter or shall prevail as amendments or propositions.

History: 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2285;—CL 1948, 119.11.

119.12 Charter or amendments; copies, filing.

Sec. 12. If the charter or any amendment thereto of any district incorporated under the provisions of this act be approved, then 2 printed copies thereof with the vote for and against duly certified by the secretary of the commission, shall, within 30 days after the vote is taken, be filed with the secretary of state and a like

number with the county clerk or clerks of the county or counties in which the district is located and shall thereupon become law.

History: 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2286;—CL 1948, 119.12.

119.13 Initiatory petition; filing; checking; submission to voters; insufficiency.

Sec. 13. The initiatory petition herein referred to shall be addressed to and filed with the secretary or clerk of the metropolitan district wherein the territory is located. Such petition shall state what body or organization, if any, or if no body or organization, then what person or persons are primarily interested in and responsible for the circulation of such petition or petitions and the securing of such amendment or amendments. Such petitions shall be verified by the affidavit or affidavits of the person or persons who obtained the signatures and shall be signed by a number of registered electors equal to 5 per centum of the highest vote cast for the highest elective officer whose vote can be ascertained at the last district election. Such verification shall state that the petitions were circulated at the request of and pursuant to the directions of the association, organization, person or persons desiring the said amendment and shall also state that such signatures were obtained by the persons so verifying said petition; that such signatures are the signatures of the persons purporting to sign the same and that each of them signed in his presence and that the person verifying such petition has good reason to believe and verily does believe that the signers obtained thereto are duly qualified and registered electors of such district and are the identical persons their signatures purport to be. Within 15 days from the date of the receipt of any such petition the secretary or clerk shall check over the names on such petition with the registration rolls of the territory affected or in some other proper manner determine whether the petitioners are duly qualified and registered voters of the district whose charter is to be affected by such amendment, and if it shall appear that the number of duly qualified and registered electors signing such petition equals or exceeds 5 per centum of the total vote cast for the highest elective officer whose vote can be ascertained at the last district election and in all other respects conforms to the provisions of this section, he shall certify to such facts and report the same to the legislative body of the district. If he shall find that there are less than the required number he shall report such fact and no further action upon such petitions shall be had. When such petition shall conform to this act, it shall be the duty of the clerk of each city, village and township comprising the district within 60 days of the date of the filing of such petition to call a special election, the same to be held not less than 90 days or more than 100 days after the date of filing such petition unless a primary or regular election shall occur or a special election shall have been called for other purposes to be held within 100 days after the date of the filing of such petitions. In that event, the proposal shall be submitted at such primary, regular or special election and no special election shall be so called. Other proposals, whether initiated by petition as hereinbefore provided, or proposed by the legislative body, within the times respectively within this act provided, may be submitted at such special election. No proposal submitted to the electors by the initiative and receiving an affirmative majority of the votes cast thereon in each city, village and township comprising said district shall be held unconstitutional, invalid or void on account of the insufficiency of the petition by which submission of the same was procured: Provided, That each signer of such initiatory petition shall inscribe upon such petition immediately after his signature the date of signing and his street address.

History: 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2287;—CL 1948, 119.13.

119.15 Metropolitan districts; short title.

Sec. 15. This act shall be known and may be cited as the metropolitan district act.

History: 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2289;—CL 1948, 119.15.

119.16 Dissolution of metropolitan district; resolution.

Sec. 16. A metropolitan district may be dissolved by resolution of the legislative body of the metropolitan district after the requirements of section 17 have been met.

History: Add. 1989, Act 98, Imd. Eff. June 21, 1989.

119.17 Duties of legislative body prior to dissolution; plan for disposition of assets and liabilities; resolution; insufficient assets.

Sec. 17. (1) Prior to dissolution of a metropolitan district under section 16, the legislative body of the metropolitan district shall do both of the following:

(a) Provide written notice to the legislative body of each city, village, and township included in the district of its intent to dissolve the metropolitan district.

(b) Prepare or cause to be prepared a financial report of the assets and liabilities of the metropolitan district. This report shall include an accounting of all money held by the district, a description of all

obligations of the district, an appraisal or inventory of all other assets of the district, and a description of any encumbrances on these assets. A copy of this report shall be provided to the legislative body of each city, village, or township included in the metropolitan district.

(2) If the financial report of the metropolitan district under subsection (1) indicates that the assets of the district are greater than the liabilities, the legislative body of the metropolitan district shall prepare a plan for the disposition of the assets and liabilities of the district. This plan may include the disposal of assets in a manner the legislative body considers prudent to discharge or settle existing liabilities of the metropolitan district. The plan may also include the transfer of an asset or an assumable liability to any person, local unit of government, or other public authority. The plan shall provide for the proportional distribution of the assets remaining after all liabilities to each city, village, and township within the metropolitan district have been satisfied. The legislative body of each city, village, and township in the metropolitan district shall pass a resolution agreeing to a plan required under this subsection and agreeing to the dissolution of the district.

(3) If the assets of the metropolitan district are insufficient to meet existing liabilities, the legislative body of the district shall do either of the following:

(a) Raise taxes in the manner provided in this act to discharge the liabilities.

(b) Enter into a written agreement with the legislative body of each city, village, and township included in the district in which each city, village, and township agrees to assume a proportionate share of the liabilities of the district.

History: Add. 1989, Act 98, Imd. Eff. June 21, 1989.

119.18 Deposit of records; notice to governor.

Sec. 18. (1) Upon dissolution of a metropolitan district under sections 16 and 17, the legislative body of the district shall deposit all records of the metropolitan district with the clerk of the county in which the district was located, or, if the district was located in more than 1 county, with the clerk of the county in which the largest part of the district was located, for safekeeping and reference.

(2) Upon dissolution of a metropolitan district, the legislative body of the district shall notify the governor, in writing, of the dissolution.

History: Add. 1989, Act 98, Imd. Eff. June 21, 1989.

HURON-CLINTON METROPOLITAN AUTHORITY
Act 147 of 1939

AN ACT to provide for the incorporation of the Huron-Clinton metropolitan authority; to permit the counties of Wayne, Washtenaw, Livingston, Oakland, and Macomb, or certain of such counties, to join in a metropolitan district for planning or promoting or for acquiring, constructing, owning, developing, maintaining and operating, either within or without their limits, parks, connecting drives, or limited access highways, or any combination of these activities; to provide for the assessment, levy, collection and return of taxes therefor; to provide for the issuance of revenue bonds; to authorize condemnation proceedings; to provide a referendum thereon; and to prescribe penalties and provide remedies.

History: 1939, Act 147, Eff. Jan. 10, 1942;—Am. 1998, Act 170, Eff. Mar. 23, 1999.

The People of the State of Michigan enact:

119.51 Huron-Clinton metropolitan authority; incorporation, counties.

Sec. 1. As may hereinafter be provided in this act, the counties of Wayne, Washtenaw, Livingston, Oakland, and Macomb, or certain of such counties, may by vote of the electorate thereof, join to form a metropolitan district as a body corporate, to be known as the Huron-Clinton metropolitan authority, for the purpose of planning, promoting, and/or for acquiring, constructing, owning, developing, maintaining and operating, either within or without their limits, parks and/or limited access highways, as well as such connecting drives as may be deemed necessary or convenient to provide access to and between the same.

History: 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.51.

Compiler's note: This act has been adopted by the counties enumerated in this section.

119.52 Huron-Clinton metropolitan authority; definitions.

Sec. 2. As used in this act, parks shall be defined as areas of land, with or without water, developed and used for public recreational purposes, including landscaped tracts, picnic grounds, playgrounds, athletic fields, camps, foot, bicycle and bridle paths, motor vehicle drives, wildlife sanctuaries, museums, zoological and botanical gardens, facilities for bathing, boating, hunting and fishing, as well as other recreational facilities for the use and benefit of the public.

Limited access highways shall be defined as highways especially designed for through traffic, over which owners or occupants of abutting land have no easement or right of light, air or access by reason of the fact that their property abuts on the highway. Such highways may be parkways, with or without landscaped roadsides, from which trucks, busses and other commercial vehicles are excluded, or they may be freeways open to use by all common forms of highway traffic.

Connecting drives shall be defined as boulevards, or free access roads, with or without parklike features, leading to or connecting parks and/or limited access highways.

History: 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.52.

119.53 Powers; co-operation; charges; succession to rights; vote.

Sec. 3. The Huron-Clinton metropolitan authority, either acting alone or in cooperation with the department of conservation, the state highway department, any board of county road commissioners, or any federal or other state or local body having authority to construct and maintain parks or highways, shall have the power to make plans for and promote, and/or to acquire, construct, own, operate and maintain, within or without the limits of the metropolitan district, parks, connecting drives, and/or limited access highways. Said authority may fix and collect fees and charges for use of facilities under its control, and, for its uses, may sell or purchase lands and may acquire and succeed to any or all the rights, obligations, and property pertaining to parks or highways of the state or of any county, city, village, or township comprising territory within the limits of the said metropolitan district: Provided, That no county, city, village, or township shall surrender any such rights, obligations, or property without the approval thereof by a majority vote of the electors of any such county, city, village or township, voting on such proposition.

History: 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.53.

119.54 Board of commissioners; election and appointment, term.

Sec. 4. The Huron-Clinton metropolitan authority shall be directed and governed by a board of commissioners, 1 to be elected from each county of the metropolitan district by the boards of supervisors of the respective counties, and 2 to be appointed by the governor of Michigan. The elected commissioners shall be electors of their respective counties, and the appointed commissioners shall be electors of the metropolitan

district. The appointed commissioners shall serve for 4 year terms or until their successors are appointed, except that for the first board 1 shall be appointed for a 2 year term. The terms of the elected commissioners shall be staggered so that not more than 1 term shall expire in any 1 year, and after the first board no terms shall be less than 6 years. For the first board the terms of the elected commissioners shall be in the order of the populations of the several counties, the commissioner from the most populous county having the longest term.

History: 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.54.

119.55 Board of commissioners; meetings; organization; employees.

Sec. 5. The commissioners shall hold a meeting within 1 month after their selection, on the call of the chairman of the board of supervisors of the most populous county of the metropolitan district, at such time and place as he may designate. Such meeting shall elect a chairman, who must be a member of the board of commissioners, and a secretary and a treasurer, who need not be members. The board shall also, from time to time, select and employ such other officers and employees and engage such services as shall be deemed necessary to effectuate its purposes.

History: 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.55.

119.56 Board of commissioners; records; accounts; treasurer's bond.

Sec. 6. The commissioners shall cause to be kept a written or printed record of every session of the board, which record shall be public. They shall also provide for a system of accounts to conform to any uniform system required by law, and for the auditing at least once yearly of the accounts of the treasurer by a competent certified public accountant or by the auditor general of the state. The board shall require of the treasurer a suitable bond by a responsible bonding company, such bond to be paid for by the board.

History: 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.56.

119.57 Board of commissioners; levy of tax, procedure.

Sec. 7. The commissioners may levy for the purposes of the authority a tax of not more than 1/4 mill upon each dollar of the assessed value of the property of the district. The board shall ascertain the total taxes or appropriation required for any year and shall thereupon certify to the board of supervisors of each county comprising the district the necessary tax rate to raise such amount, which shall be uniform in the district, and shall take into consideration the ratio that the total assessed valuation of each respective county bears to the total assessed value of all property, real and personal in said entire district according to the last assessment in each of said respective counties. All taxes shall be assessed, levied, collected and returned as county taxes under the general property tax law. All moneys collected by any tax collecting officer from the tax levied under the provisions of this section shall be transmitted to the authority to be disbursed as provided in this act.

The subjects of taxation for the district purposes shall be the same as for state, county, and school purposes under the general law.

History: 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.57.

119.58 Revenue bonds; issuance; lien.

Sec. 8. For the purposes of acquiring, purchasing, constructing, improving, enlarging, extending, or repairing any revenue-producing recreational facilities, the commissioners may issue self-liquidating bonds in accordance with the provisions of Act No. 94 of the Public Acts of 1933, as amended. Such bonds shall not impose any liability upon the district but shall be secured only by the property and revenues of the facilities for the purchase and construction of which they were issued. Such bonds shall not be sold for less than par, and shall bear interest at a rate not in excess of 6 per cent. The commissioners shall have power to create a lien on such facilities as security for the payment of the bonds.

History: 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.58.

Compiler's note: For provisions of Act 94 of 1933, referred to in this section, see MCL 141.101 et seq.

119.59 Property, purchase, gift or devise; condemnation, procedure.

Sec. 9. For the purposes of the authority as herein defined, the commissioners may purchase, accept by gift or devise or condemn private property. If by condemnation, the provisions of Act No. 149 of the Public Acts of 1911, as amended, being sections 3763 to 3783, inclusive, of the Compiled Laws of 1929, or such other appropriate provisions therefor as exist or shall be made by law, may be adopted and used for the purpose of instituting and prosecuting such condemnation proceedings.

History: 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.59.

Compiler's note: For provisions of Act 149 of 1911, referred to in this section, see MCL 213.21 et seq.

119.60 Referendum.

Sec. 10. The foregoing local act shall be submitted to the electors of the counties of Wayne, Washtenaw, Livingston, Oakland, and Macomb at the regular election in November, 1940. The secretary of state is hereby required to certify the said local act to the various clerks of the several counties named in the manner required by law. It shall be the duty of the board of election commissioners of each county above named to prepare ballots for the use of electors in all precincts in the counties of Wayne, Washtenaw, Livingston, Oakland, and Macomb, in the manner required by law, which ballots, after setting forth the foregoing local act in full, shall be in substantially the following form:

“Vote on local act incorporating into the Huron-Clinton metropolitan authority the metropolitan district including the counties of Wayne, Washtenaw, Livingston, Oakland, and Macomb.

“Shall the above local act be approved and adopted?

“Yes ()

“No ().”

It shall be the duty of the board of election commissioners in each above named county to deliver the ballots so prepared to the inspectors under the general election law. All votes cast upon said local act shall be counted, canvassed, and returned in the same manner as is provided by law for counting, canvassing, and returning votes cast for state officers.

History: 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.60.

119.61 Referendum; approval by two or more counties; resubmission; governing body.

Sec. 11. If a majority of the electors voting thereon at any election in 2 or more of the above named counties, which are contiguous, shall vote “yes” on the proposal, then all the counties so approving shall constitute a metropolitan district, and the Huron-Clinton metropolitan authority shall be a corporation having all the powers, duties and obligations provided for in this act.

The governing board shall consist of the 2 commissioners appointed by the governor and of the elected commissioners from the counties so approving.

If a majority of the electors in any county should vote “no” on the approval of a Huron-Clinton metropolitan authority, the project may again be submitted to the electors in such county or counties, by their respective boards of supervisors or by petitions signed by at least 10 per cent of the electors therein. Such county or counties shall become part of the metropolitan district whenever at a later election a majority of the electors in such county or counties shall vote “yes”.

History: 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.61.

Compiler's note: This act has been adopted by the counties enumerated in MCL 119.60.

119.62 Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 12. A petition under section 11, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 1998, Act 170, Eff. Mar. 23, 1999.